



PLANNING COMMISSION SYNOPSIS

Wednesday, June 22, 2005

6:00 p.m. Regular Meeting
Council Chambers, Room 205, City Hall

801 North First Street
San Jose, California

Bob Levy, Chair
Bob Dhillon, Vice-Chair

Xavier Campos Jay James
Dang T. Pham
Christopher Platten James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, June 22, 2005***. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

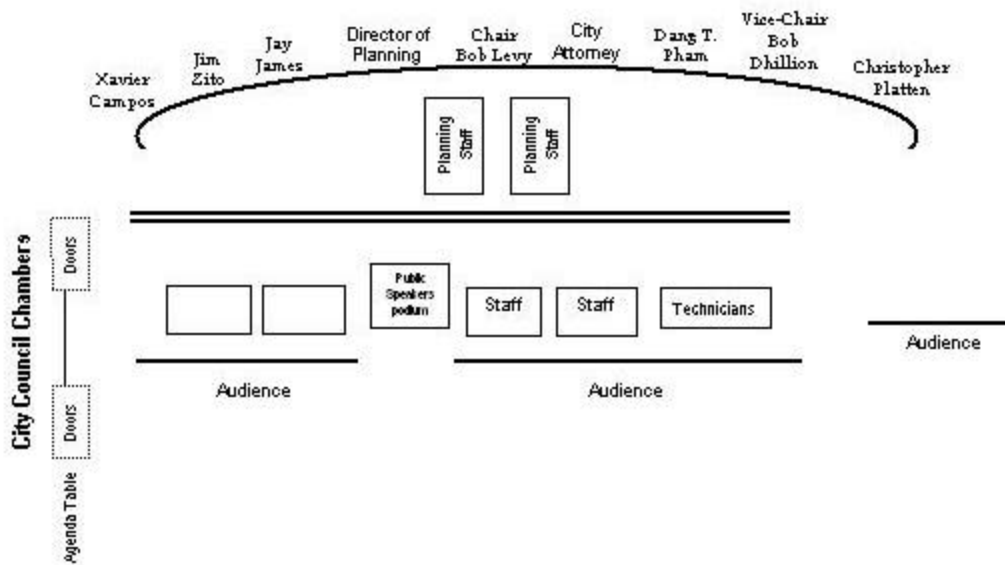
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

ALL WERE PRESENT EXCEPT PHAM

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CPA 96-053-01**. Conditional Use Permit Amendment request to allow the installation of 3 wireless communication antennas on an existing 110-foot tall monopole with associated ground-mounted equipment on a 4.03 gross acre site in the R-1-5 Single-Family Residence Zoning District, located on the east side of Monterey Road, approximately 1,600 feet southerly of Richmond Avenue (9770 MONTEREY RD) (Saso Kenneth A Trustee, Owner). Council District 2. SNI: None. CEQA: Exempt.

DEFERRED TO 7-27-05 (5-0-2; PLATTEN AND PHAM ABSENT)

- b. **CP05-018**. Conditional Use Permit request to allow co-location of wireless antenna on an existing PG&E Tower and associated equipment on the ground within a PG & E easement on a 1.68 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the northwest corner of Highway 680 and Mabury Road (Pacific Gas And Electric, Owner). Council District 4. SNI: None. CEQA: Exempt.

WITHDRAWN (5-0-2; PLATTEN AND PHAM ABSENT)

- c. **PDC04-059**. Planned Development Rezoning from R-1-5 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow two single-family detached residences on a 0.57 gross acre site, located on the southeast side of Elwood Drive, approximately 100 feet southerly of Nikette Way (Masoumi Efat K And Mosoumi Mosen K, Owner). Council District 10. SNI: None. CEQA: Draft Mitigated Negative Declaration.

DEFERRED TO 7-27-05 (5-0-2; PLATTEN AND PHAM ABSENT)

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [CP05-004](#). Conditional Use Permit to legalize an existing cardboard compactor for a grocery store on a 0.33 gross acre site in the CP Pedestrian Commercial Zoning District located at the southwest corner of Willow Street and Almaden Avenue (Super Mercado Mexico) (204 WILLOW ST) (Montoya Alfredo A, Owner). Council District 3. SNI: Washington. CEQA: Exempt.

APPROVED (5-0-2; PLATTEN AND PHAM ABSENT)

- b. [CP05-008](#). Conditional Use Permit to allow a residential care facility in an existing single family house on a 0.22 gross acre site in the CO Office Commercial Zoning District, located at/on east side of North Morrison Avenue, 450 feet northerly of The Alameda (204 N MORRISON AV) (Scott David And Grace, Owner). Council District 6. SNI: None. CEQA: Exempt.

APPROVED (5-0-2; PLATTEN AND PHAM ABSENT)

STAFF PROVIDED CLARIFICATION ON PROJECT CONDITIONS, INCLUDING 5-YEAR TIME LIMIT FOR CUP.

- c. [CP05-019](#). Wireless - Conditional Use Permit to allow the installation of a 60-foot-high wireless communications monopole and associated ground-level equipment at an existing public utility facility on a 0.87 gross acre site in the R-1-2 Single-Family Residence Zoning District, located on the east side of Lone Bluff Way across from Dadis Way (San Jose Water Land Company, Owner; Cingular Wireless, Developer). Council District 7. SNI: None. CEQA: Exempt.

APPROVED (5-0-2; PLATTEN AND PHAM ABSENT)

The following items are considered individually.

4. PUBLIC HEARINGS

- a. CP04-007. Conditional Use Permit to allow the use of five existing single-family detached residences for public assembly, as an expansion of an existing public assembly use, on a 2.06 gross acre site in the R-1-8 Residential Zoning District, located on the northeast corner of Williams Road and Pinewood Drive (4488 Williams Road) (Korean Baptist Church Of San Jose, Owner). Council District 1. SNI: None. CEQA: Exempt.

DEFERRED FOR 90 DAYS (5-1-1; ZITO OPPOSED AND PHAM ABSENT)

DEFERRED FOR AT LEAST 90 DAYS TO WORK WITH STAFF AND COMMUNITY ON ISSUES INCLUDING PARKING MANAGEMENT PLAN.

STAFF PROVIDED CLARIFICATION REGARDING ADDITIONAL STAFF-RECOMMENDED CONDITIONS FOR APPROPRIATE LANDSCAPING, FENCING AND STREET TREES, AND SPECIFICALLY THAT STAFF RECOMMENDATIONS WOULD INCLUDE EXISTING CHURCH SANCTUARY AND ANNEX WITHIN THE CUP AND THE NEW CUP WOULD SUPERCEDE PRIOR EXCEPTION PERMIT ON THE SITE.

THE APPLICANT'S REPRESENTATIVE MADE A BRIEF PRESENTATION, AND EXPRESSED OBJECTION TO THE CUP BEING EXPANDED TO THE EXISTING CHURCH BECAUSE FUTURE INABILITY OF THE CHURCH TO MEET CONDITIONS REGARDING USE OF 5 SINGLE FAMILY HOUSES COULD RESULT IN CESSATION OF CHURCH USE WHICH HAS BEEN ON THE SITE FOR 30 YEARS. THE APPLICANT CLARIFIED INTENDED USE OF HOUSES FOR BIBLE STUDY AND CONTEMPLATIVE ACTIVITIES.

APPROXIMATELY 30 NEIGHBORHOOD RESIDENTS SPOKE IN OPPOSITION TO THE PROJECT. ONE MAIN CONCERN EXPRESSED WAS THAT THE CHURCH, OR EVEN A SERIES OF CHURCHES, HAD NOT BEEN A GOOD NEIGHBOR FOR DECADES, HAD USED 5 NEIGHBORHOOD HOUSES FOR CHURCH-RELATED USES FOR YEARS, AND SHOULD NOT BENEFIT FROM THESE EXPANSION ACTIONS TAKEN WITHOUT PERMITS. OTHER RESIDENTS EXPRESSED PARTICULAR CONCERN ABOUT TRAFFIC AND PARKING IMPACTS, NOTING THAT THE CHURCH HAD ENGAGED A TRAFFIC OPERATIONS MONITOR ON SUNDAYS TO DIRECT TRAFFIC, THAT CHURCH-RELATED PARKING OCCUPIED MUCH OF THE AVAILABLE ON-STREET PARKING THAT WOULD OTHERWISE BE AVAILABLE FOR AREA RESIDENTS EVERY SUNDAY, AND THAT OFF-SITE PARKING WAS OCCURRING AT THE MORMON CHURCH LOT WHICH WAS RESULTING IN INCREASED TRAFFIC ON THE INTERVENING STREETS. COMMENTS WERE RECEIVED THAT CHILDREN WERE NOT BEING PROPERLY OR SAFELY SUPERVISED UPON THE ENDING OF ORGANIZED ACTIVITIES AND THE PLAY AREA FOR THE CHURCH HAD BEEN LOCATED ADJACENT TO SINGLE FAMILY HOUSES WITHOUT A PERMIT. SITE SPECIFIC COMMENTS FROM RESIDENTS INCLUDED SEVERAL REGARDING THE TRASH ENCLOSURE ON THE SITE BEING UNSUITABLE FOR FOOD WASTES, THAT VERMIN WERE BECOMING A PROBLEM IN THE AREA BECAUSE OF THE STATE OF

THE DUMPSTER, AND THAT THE DUMPSTER HAD BEEN LOCATED DIRECTLY ADJACENT TO SINGLE FAMILY PROPERTIES WITHOUT A PERMIT.

THE APPLICANT'S REPRESENTATIVE SPOKE IN RESPONSE TO TESTIMONY FROM THE NEIGHBORHOOD, COMMENTING THAT CHURCHES ARE ALLOWED USES IN RESIDENTIAL DISTRICTS, THAT THE CHURCH HAD RETAINED THE RESIDENTIAL CHARACTER OF THE HOUSES TO BLEND IN WITH THE NEIGHBORHOOD, THAT THE PROPOSED NEW PERMIT WOULD LIMIT THE PERSONS ON THE SITE TO FEWER THAN THE SEATS IN THE SANCTUARY TO ADDRESS PARKING CONCERNS, AND THAT THE CHURCH HAD AGREED TO MOVE THE MAIN ACCESS TO PINWOOD, RATHER THAN OFF THE CUL-DE-SAC. HE FURTHER STATED THAT IF THE PERMIT WERE TO BE DENIED, THE MAIN CHURCH USES NOT OCCURRING IN THE FIVE HOUSES WOULD NOT BE AFFECTED AND COULD CONTINUE.

COMMISSIONER CAMPOS ASKED WHAT WAS MEANT BY COMMENTS REGARDING "DIFFERENT" CHURCHES USING THE SITE. THE APPLICANT CLARIFIED THAT APPROXIMATELY TEN YEARS PRIOR, THE THEN LEADER OF THE CHURCH HAD LEFT WITH HALF THE CONGREGATION TO A NEW LOCATION.

COMMISSIONER ZITO QUESTIONED THE APPLICANT'S REPRESENTATIVE REGARDING WHAT WOULD HAPPEN TO THE USES IN THE HOUSES IF THE PERMIT WERE TO BE DENIED, AND THE APPLICANT CONFIRMED THAT THOSE SERVICES WOULD NOT BE OFFERED UNLESS THEY COULD BE ACCOMMODATED IN THE MAIN CHURCH BUILDING.

THE APPLICANT COMMENTED THAT PARKING IS NOT AS BAD AS BEING REPRESENTED BY AREA RESIDENTS BECAUSE THE CHURCH HAS PARKING MANAGEMENT ASSISTANTS IN THE NEIGHBORHOOD ON SUNDAYS AND THEY CONTROL ON-STREET PARKING WITH ORANGE CONES. HE FURTHER COMMENTED THAT HE HAD CONDUCTED A SURVEY OF SOME NEIGHBORHOOD RESIDENTS WHO HAD EXPRESSED A CONCERN ABOUT PARKING, BUT NOT ABOUT THE GARBAGE DUMPSTER.

COMMISSIONER ZITO ASKED FOR CLARIFICATION ABOUT WHAT WOULD HAPPEN TO THE BIBLE STUDY TYPE USES IF THE PERMIT WERE DENIED AND THEY COULD NOT HAPPEN IN THE CHURCH, AND THE APPLICANT RESPONDED THAT PERHAPS THEY COULD BE ACCOMMODATED IN THE CHURCH ANNEX, OR WOULD HAVE TO STOP. COMMISSIONER ZITO THEN COMMENTED THAT THERE DID NOT SEEM TO BE A HISTORY OF ADEQUATE COMMUNICATION BETWEEN THE CHURCH AND THE NEIGHBORS, ESPECIALLY GIVEN THE CHURCH HAD BEEN ON THE SITE FOR 30 YEARS, AND SUGGESTED THE CHURCH REDOUBLE ITS EFFORTS.

COMMISSIONER JAMES ASKED WHETHER IT WOULD BE POSSIBLE TO ADD ANY NEW PARKING SPACES TO THE SITES WITH THE FIVE HOUSES, TO WHICH STAFF RESPONDED PERHAPS 12 SPACES IN TOTAL COULD BE ADDED, BUT THEY WERE NOT IN IDEAL LOCATIONS. COMMISSIONER JAMES THEN INQUIRED OF THE APPLICANT WHY ONE OF THE HOUSES WAS SIGNED AS AN OFFICE, IF THE INTENDED USES FOR ALL OF THEM WERE FOR CHURCH SCHOOL AND BIBLE STUDY. THE APPLICANT'S REPRESENTATIVE INDICATED THAT CHURCHES ARE A

COMBINATION OF USES, AND THEY GENERALLY HAVE AN OFFICE, WHICH IS NOT THE PRIMARY USE, AND SUGGESTED THE CHURCH COULD RELOCATE THE OFFICE USE TO A SITE ON WILLIAMS. COMMISSIONER JAMES THEN ASKED WHY THE USE HOURS BEGAN AT 5:30 A.M., COMMENTING THE NEIGHBORING RESIDENTS WOULD LIKELY STILL BE ASLEEP, AND WHETHER THAT WAS JUST ON SUNDAY. THE APPLICANT CLARIFIED THAT THE START TIME WAS EVERY DAY AND THE SERVICES OCCURRED IN THE SANCTUARY.

COMMISSIONER JAMES THEN COMMENTED THAT IN HIS EXPERIENCE IN CONSTRUCTION, HOUSES ARE BUILT FOR INDIVIDUAL FAMILIES, AND NOT AS CLASSROOMS, AND THAT A SIGNIFICANT CHANGE IN USE WOULD LIKELY MEAN CHANGES TO UPGRADE THE STRUCTURES UNDER THE BUILDING CODE FOR A DIFFERENT OCCUPANCY. HE FURTHER ASKED IF THAT BUILDING CODE WORK HAD ALREADY OCCURRED, TO WHICH THE APPLICANT RESPONDED IT HADN'T.

COMMISSIONER JAMES THEN COMMENTED THAT THERE SEEMED TO BE LOTS OF NEIGHBOR CONCERNS WITH CHILDREN PLAYING UNSAFELY, TRAFFIC, NOISE AND THE GARBAGE ISSUE, AND NOTED THAT A TRAILER HE HAD SEEN DURING HIS SITE VISIT APPEARED TO BE OCCUPYING PARKING SPACE AND WAS NOT SHOWN ON THE PLAN AND NOT APPROVED, AND STATED THE APPLICANT NEEDED TO BE MORE PROACTIVE IN THE NEIGHBORLINESS OF THE CHURCH. HE ASKED IF THE CHILDREN PLAY AREA HAD BEEN MOVED WITHOUT A PERMIT AND WHETHER PROTECTIVE FENCING WOULD BE ADDED. THE APPLICANT RESPONDED THAT DETAILS SUCH AS FENCING WERE PROPOSED TO BE HANDLED THROUGH A PERMIT ADJUSTMENT.

COMMISSIONER JAMES THEN ASKED THE APPLICANT WHAT HE COULD DO TO ENSURE TO THE COMMISSION THAT THE NEW PERMIT WOULD BE FOLLOWED. THE APPLICANT INDICATED THAT THE NEW LEADERSHIP AND PASTOR WERE COMMITTED TO WORKING WITH THE NEIGHBORS.

THE APPLICANT'S REPRESENTATIVE AGAIN STATED THAT THE APPLICANT DID NOT WANT TO PUT IN JEOPARDY THE EXISTING ENTITLEMENT ON THE CHURCH, AND IN RESPONSE TO A QUESTION FROM COMMISSIONER DHILLON, REITERATED THAT DETAILS WOULD BE HANDLED WITH A PERMIT ADJUSTMENT WHICH WAS ACCEPTABLE TO THE APPLICANT. THE CITY ATTORNEY STATED THAT IT WOULD BE POSSIBLE TO CRAFT A CONDITION AS TO WHICH CHURCH USES ARE TO BE TIME CONDITIONED OR LIMITED, AND ASKED THE APPLICANT TO EXPLAIN HIS UNDERSTANDING OF THE PURPOSE OF THE PERMIT. COMMISSIONER ZITO NOTED THE APPLICANT'S CONCERN, BUT ALSO STATED THE MAIN BUILDINGS AND 5 HOUSES USED FOR CHURCH USES APPEARED TO BE ALL ONE USE. THE CITY ATTORNEY STATED THAT THERE APPEARED TO BE TWO OPTIONS: THE USE OF THE 5 HOUSES IS AN INDEPENDENT USE, AND SHOULD BE CONDITIONED SEPARATELY, OR THEIR USE IS AN EXPANSION OF THE EXISTING CHURCH USE BY ALLOWING EXPANSION OF MORE SERVICES.

THE APPLICANT'S REPRESENTATIVE COMMENTED THAT THERE IS AN ECONOMIC ISSUE WITH CHURCHES WITH THE FUTURE AVAILABILITY OF CAPITAL, WHICH CAN IMPACT THE TIMEFRAME TO ACHIEVE SITE IMPROVEMENTS THAT MIGHT BE

PERMIT CONDITIONS, AND ASKED THAT THE COMMISSION BE WILLING TO CONSIDER A HIERARCHY OF CONDITIONS. THE DEPUTY DIRECTOR COMMENTED THAT SITE CHANGES PROPOSED BY STAFF ARE THE RESULT OF INCORPORATING CHURCH USES IN THE 5 HOUSES, AND STATED THE GENERAL PLAN HAS LANGUAGE REGARDING EXPANDING NON-RESIDENTIAL USES, AND THAT THERE SHOULD BE A DECISION POINT ABOUT WHETHER IT WILL BE APPROPRIATE TO ULTIMATELY EXPAND THE CHURCH AT THIS LOCATION IN THE FUTURE. COMMISSIONER LEVY ASKED THE APPLICANT WHETHER THE CHURCH HAS PLANS TO BUY OTHER SINGLE FAMILY LOTS, TO WHICH THE APPLICANT'S REPRESENTATIVE EXPLAINED THAT THE LEADERSHIP HAD NO DEFINITE PLAN FOR EXPANSION. COMMISSIONER LEVY RESPONDED THAT THE USE OF THE 5 HOUSES APPEARS TO BE AN EXPANSION.

COMMISSIONER PLATTEN ASKED THE APPLICANT WHETHER DEFERRAL COULD BE APPROPRIATE AT THIS JUNCTURE, AND THE APPLICANT'S REPRESENTATIVE INDICATED THAT WITH DIRECTION TO THE STAFF BY THE PLANNING COMMISSION ON SPECIFIC CONCERNS, A DEFERRAL WOULD BE ACCEPTABLE, AND INDICATED HE WAS WILLING TO WORK WITH THE NEIGHBORHOOD FOLLOWING SUCH DIRECTION.

COMMISSIONER JAMES NOTED THE CHURCH HAS A VALID EXCEPTION PERMIT, BUT APPEARS TO HAVE EXPANDED, AND PROPOSED THAT THE CHURCH CONSIDER WHETHER IT COULD FUNCTION JUST ON THE ORIGINAL SITE AND RETURN THE HOUSES TO RESIDENTIAL USE, PARTICULARLY NOTING THE PARKING ISSUES EXPRESSED BY THE NEIGHBORHOOD, AND COMMISSIONER LEVY NOTED SOME OF THE HOUSES WERE NOT WELL MAINTAINED AND LOOKED INSTITUTIONAL.

COMMISSIONER LEVY STATED THAT UNLIKE THE APPLICANT'S OPINION, PARKING FOR THE CHURCH IS NOT UNDER CONTROL, AND JAYWALKING OCCURS REGULARLY AS HE NOTICES AS A RESIDENT OF THE LARGER AREA. THE APPLICANT'S REPRESENTATIVE COMMENTED THAT THE STAFF-RECOMMENDED CONDITIONS REQUIRE A PERMIT ADJUSTMENT INCLUDING A PARKING MANAGEMENT PLAN WITHIN 30 DAYS.

COMMISSIONER DHILLON NOTED THAT MOST OF THE PUBLIC TESTIMONY WAS FOCUSED ON THE ONGOING USE OF THE MAIN SANCTUARY AND ANNEX, AND NOT THE HOUSES, AND THAT DENIAL OF THE PERMIT WOULD NOT SOLVE THE PROBLEM.

COMMISSIONER LEVY EXPRESSED THAT THERE STILL WAS NO CONCLUSION REGARDING WHETHER THE PROPOSAL REPRESENTED AN EXPANSION, THAT PERHAPS THE CHURCH HAD GROWN TOO BIG FOR THE SITE, AND PERHAPS THE HOUSES SHOULD BE RETURNED TO RESIDENTIAL USE. THE APPLICANT'S REPRESENTATIVE STATED THAT IT WOULD LIKELY BE POSSIBLE TO DESIGN AN EVEN LARGER CHURCH AT THIS LOCATION THAT WOULD HAVE ADEQUATE PARKING AND MITIGATE ALL IMPACTS, AND STAFF CONCURRED. COMMISSIONER LEVY EXPRESSED THAT THE PROCESS WOULD BE DIFFICULT DUE TO THE 30 YEARS OF BAD BEHAVIOR BY THE CHURCH.

COMMISSIONER PLATTEN MOVED THAT THE ITEM BE DEFERRED FOR NOT LESS THAN 90 DAYS, THAT THE APPLICANT AND STAFF WORK TO ADDRESS THE PARKING AND CIRCULATION ISSUES, AND THAT A PROCESS WITH THE COMMUNITY BE REENGAGED TO FULLY UNDERSTAND THE PROBLEMS EXPRESSED BY THE NEIGHBORHOOD RESIDENTS. THE DEPUTY DIRECTOR ENCOURAGED THE APPLICANT TO OPERATE WITHIN THE CONDITIONS OF THE ORIGINAL PERMIT DURING THOSE 90 DAYS.

COMMISSIONER ZITO ASKED WHETHER USE OF THE 5 HOUSES WOULD NEED TO CEASE, AND THE CITY ATTORNEY CONCURRED, AS THERE IS NO PERMIT FOR THEIR USE. HE COMMENTED THAT A METHOD FOR ONGOING COMMUNICATION WITH THE COMMUNITY SHOULD BE DEVISED, AND PROPOSED A FRIENDLY AMENDMENT TO THE MOTION FOR A MINIMUM OF 180 DAYS AND 2 COMMUNITY MEETINGS. THE APPLICANT'S REPRESENTATIVE ASKED WHETHER THAT COULD BE 90 DAYS AND 2 COMMUNITY MEETINGS. IN RESPONSE TO A QUESTION FROM THE CITY ATTORNEY, COMMISSIONER ZITO INDICATED THAT THE CHURCH NEEDED TO SHOW IT CAN BE A GOOD NEIGHBOR AND REFERENCED THE CONDITIONS IN THE EXISTING PERMITS WHICH STATE THAT NO NEIGHBORHOOD INCOMPATIBILITY WILL OCCUR, AND THAT NO EXPANSION WOULD OCCUR AND THAT BOTH OF THOSE WERE NOT TRUE.

COMMISSIONER PLATTEN STATED THAT THE ITEM BEFORE THE COMMISSION WAS NOT A REVOCATION, THE STAFF AND DIRECTOR HAVE HEAVY WORKLOADS, AND THAT THE CHURCH OPERATION ISSUES SHOULD BE RESOLVED PRIOR TO THE HOLIDAYS, AND DECLINED TO ACCEPT THE AMENDMENT TO THE MOTION.

COMMISSIONER DHILLON COMMENTED THAT THE APPLICANT SHOULD NOT THINK THE NEIGHBORS WOULD FORGET THE PAST. COMMISSIONER LEVY STATED THAT WHEN THE ITEM COMES BACK TO THE COMMISSION, A DECISION MUST BE MADE WHETHER THE PROPOSAL IS AN EXPANSION.

STAFF CLARIFIED THAT THE ITEM WOULD BE HEARD NO EARLIER THAN THE OCTOBER 12, 2005 SCHEDULED PLANNING COMMISSION HEARING, AND WOULD BE RENOTICED TO THE NEIGHBORHOOD.

- b. [PDC03-047](#). Planned Development Rezoning from R-1-8 Residential Zoning District to A(PD) Planned Development Zoning District to allow up to 11 detached single-family patio homes on a 0.75 gross acre site, located at/on the eastside of Almaden Road approximately 680 feet northerly of Curtner Avenue (2190 ALMADEN RD) (Dennis Mulvihill, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

RECOMMEND APPROVAL (6-0-1; PHAM ABSENT)

COMMISSIONER JAMES COMMENTED CONCEPTUAL VICTORIAN ARCHITECTURE IS NOT COMMON IN NEIGHBORHOOD AND DOESN'T FIT IN. THE APPLICANT RESPONDED THAT ARCHITECTURE IS NOT "ZONED IN", AND HOME BUILDER CONSTRUCTS QUALITY HOMES WHICH WILL SET TONE FOR STREET. IN RESPONSE TO QUESTION BY COMMISSIONER JAMES REGARDING POSSIBLE RIGHT IN-RIGHT OUT ACCESS TO PROJECT DUE TO BUSY ALMADEN ROAD, APPLICANT

NOTED PROJECT WILL PROVIDE RIGHT-OF-WAY TO WIDEN THE ROAD TO FULL WIDTH WHICH WILL IMPROVE VISIBILITY. APPLICANT DID CONCEDE CONTINUING ODD ROAD INTERFACE IN THE INTERIM SINCE TWO SINGLE FAMILY HOUSES TO NORTH WILL PREVENT FULL WIDENING ACROSS ENTIRE FRONTAGE.

- c. The following staff initiated items are located at the southwest corner of Monterey Road and Goble Lane from the R-MH-Residential Mobile Home Park, HI-Heavy Industrial, & LI-Light Industrial Zoning Districts to A(PD) Planned Development Zoning District (2745 Monterey Road) (Ernest L, and Thelma W. Goble, et al. Owners). Council District 7. SNI: None. CEQA: EIR Resolution to be adopted.

1. **FINAL ENVIRONMENTAL IMPACT REPORT for the Goble Lane Mixed-Use Development** for a Planned Development Rezoning (File No. PDC02-066) of 29.5 gross acres to allow the demolition of the existing industrial and commercial uses as well as the residential mobile home park currently in use on-site for the development of up to 18,000 square feet of commercial retail fronting Monterey Road, a two-acre public park, and up to 969 single-family and multi-family residential units (SCH #2005022057).

CERTIFY EIR (6-0-1; PHAM ABSENT)

COMMISSIONER ZITO ASKED FOR CLARIFICATION REGARDING CUMULATIVE IMPACTS THE PROJECT HAD ON TRAFFIC LOS WITH GE PROJECT. STAFF CLARIFIED GE WOULD MITIGATE, AS PROJECT ALONE HAD IMPACT, BUT GOBLE PROJECT WOULD NOT, AS GOBLE LANE PROJECT ALONE DOES NOT HAVE IMPACT.

2. **PDC02-066**. Planned Development Rezoning from R-MH Mobilehome Park, LI Light Industrial, and HI Heavy Industrial zoning districts to A(PD) Planned Development zoning district, to allow up to 969 single-family and multi-family residential units and approximately 18,000 square feet of commercial space on a 29.5-acre site.

RECOMMEND APPROVAL (4-2-1; LEVY AND ZITO OPPOSED AND PHAM ABSENT)

FOLLOWING A PRESENTATION BY THE APPLICANT, COMMISSIONER JAMES ASKED IF THE DRIVEWAY TO BE SHARED BY THE RAISCH PLANT WAS THE FINAL CONCEPT, AND THE APPLICANT RESPONDED THAT RAISCH HAD AGREED AND IT WAS FINAL.

THE APPLICANT THANKED STAFF FOR WORK ON THE PROJECT.

COMMISSIONER ZITO ASKED WHY ALTERNATIVE C WAS NOT SELECTED AS THE EIR IDENTIFIED IT AS ENVIRONMENTALLY-SUPERIOR, AND ASKED IF IT WOULD MAINTAIN THE SAME NUMBER OF UNITS, WHICH THE APPLICANT CONFIRMED. COMMISSIONER LEVY ECHOED COMMISSIONER ZITO'S QUERY, ASKING IF ALT C IS BEST, WHY NOT CHOSEN. THE APPLICANT RESPONDED THAT THE PROPOSED PROJECT HAS THE BEST INTERIOR CIRCULATION

LAYOUT, AND STAFF CLARIFIED THAT ALT C WAS ONLY SLIGHTLY SUPERIOR AS IT MOVED THE NEAREST RESIDENCE TO THE PLANT TO 400 FEET AWAY, RATHER THAN THE 60 FEET SEPARATION IN THE PROPOSED ZONING. STAFF EXPLAINED THAT THE CITY'S RESIDENTIAL DESIGN GUIDELINES, AS WELL AS THE COMMUNICATIONS HILL SPECIFIC PLAN REQUIRED APPROPRIATE GRID STREET PATTERNS, AND ALTERNATIVE C WOULD NOT PROVIDE A GRID, AND WOULD RESULT IN A DRIVE WITH A TALL SOUNDWALL ALONG ONE EDGE, RATHER THAN A STREET WITH LIKE RESIDENTIAL USES ON BOTH SIDES.

COMMISSIONER ZITO THEN ASKED ABOUT ALTERNATIVE B, THE REDUCED PROJECT ALTERNATIVE, AND WHY IT WOULD NOT MEET THE PROJECT OBJECTIVES. STAFF EXPLAINED THAT WHILE IT PROVIDED INFILL DEVELOPMENT, NEW HOUSING OPPORTUNITIES, AND WOULD CONFORM TO THE GENERAL PLAN DENSITY, IT DID NOT MEET THOSE OBJECTIVES TO THE SAME EXTENT AS THE PROPOSED PROJECT. COMMISSIONER ZITO CONFIRMED WITH STAFF THAT THE ODOR IMPACT COULD BE MITIGATED WITH A 400-FOOT SETBACK, AND STAFF RESPONDED THAT THE PROPERTY IS APPROXIMATELY 500 FEET WIDE, AND THAT THE ALTERNATIVE DESIGN WOULD PUSH THE HOUSING AT A HIGHER DENSITY TYPE, ONTO 100 FEET OF THE PROPERTY, AND THERE WOULD BE A CONCERN ABOUT THE LAND USE FOR THE 400-FOOT SETBACK. STAFF NOTED THAT THE GENERAL PLAN IS RESIDENTIAL ON THE PROPERTY, SO COMMERCIAL USES COULD NOT BE USED AS A BUFFER.

COMMISSIONER ZITO THEN ASKED HOW WELL THE TRIPLE-PANED WINDOWS WOULD MITIGATE THE ODOR IMPACTS, AND THE ENVIRONMENTAL CONSULTANT CLARIFIED THAT THE WINDOWS WERE REQUIRED TO MITIGATE NOISE IMPACTS, AND THAT MECHANICAL VENTILATION COULD PERHAPS HAVE FILTERS ADDED TO HELP REDUCE ODORS.

COMMISSIONER ZITO ASKED STAFF WHAT THE USUAL REQUIREMENT FOR PARKLAND FROM 770 UNITS, AND PARKS DEPARTMENT STAFF RESPONDED THAT 6 TO 7 ACRES OF LAND WOULD BE PER THE POLICY, BUT THAT THE PROJECT WAS PROVIDING A TURNKEY PARK, AND THAT THE APPLICANT WOULD GET PARK CREDITS FOR OTHER PRIVATE RECREATION AREAS ON THE SITE. HE FURTHER EXPLAINED THAT THE AFFORDABLE HOUSING COMPONENT COULD BE EXEMPT FROM THE PDO REQUIREMENTS, AND IF NOT EXEMPTED, FEES WOULD BE CONTRIBUTED BY THE REDEVELOPMENT AGENCY. COMMISSIONER LEVY COMMENTED THAT THERE WILL STILL BE A NEED FOR PARKLAND TO SERVE RESIDENTS IN AFFORDABLE HOUSING UNITS.

COMMISSIONER DHILLON ASKED FOR MORE INFORMATION ABOUT THE SHARED DRIVEWAY BETWEEN RESIDENTIAL AND THE RAISCH PLANT. PUBLIC WORKS STAFF EXPLAINED THAT MANY DIFFERENT OPTIONS HAD BEEN REVIEWED, AND THAT THE NEED FOR A SIGNAL FOR THE PROJECT WAS A KEY FACTOR IN PROPOSING A SHARED ACCESS ROAD AT THE ONE SIGNAL, AND NOTING IT WOULD NOT BE POSSIBLE TO HAVE ANOTHER SIGNAL IN CLOSE PROXIMITY.

COMMISSIONER PLATTEN MOVED TO APPROVE THE PROJECT.

COMMISSIONER LEVY STATED THAT HE FELT THE PROPOSAL OVERALL WAS A GOOD PROJECT, BUT THAT A 7-ACRE PARK SHOULD HAVE BEEN PROVIDED AS THE APPROPRIATE SIZE FOR THE FUTURE NUMBER OF RESIDENTS. HE NOTED THAT THE EIR STATED THAT THE GENERAL AREA IS DEFICIENT IN PARKS, AND THAT NOT REQUIRING MORE PARKLAND AT THIS LOCATION WAS BAD PUBLIC POLICY. HE ASKED IF COMMISSIONER PLATTEN WOULD SUPPORT AN AMENDMENT TO HIS MOTION TO INCREASE THE SIZE OF THE ON-SITE PARK TO 4 ACRES.

COMMISSIONER PLATTEN DECLINED TO AMEND HIS MOTION, STATING THAT THE PROJECT WAS WELL DESIGNED, HAS A GOOD GATEWAY OFF OF MONTEREY ROAD, AND HAS A VARIETY OF HOUSING TYPES.

COMMISSIONER LEVY STATED HE COULD HAVE SUPPORTED THE PROJECT WITH A 4-ACRE PARK, AND THAT IT WOULD BE A DISSERVICE TO THE NEIGHBORHOOD TO RECOMMEND APPROVAL JUST A 2-ACRE PARK. COMMISSIONER ZITO CONCURRED, STATING THAT HE COULD HAVE VOTED TO RECOMMEND APPROVAL OF THE PROJECT WITH A 4-ACRE PARK, BUT COULD NOT SUPPORT THE MOTION TO APPROVE IT WITH ONLY THE 2-ACRE PARK. COMMISSIONER ZITO STRESSED THAT STAFF AND THE DEVELOPER SHOULD WORK AT THE PD PERMIT STAGE TO BETTER ADDRESS THE ODOR ISSUE.

COMMISSIONER JAMES STATED HE WAS PLEASED THAT RAISCH AND THE PROJECT APPLICANT HAD COME TOGETHER TO WORK ON ACCESS, AND ENCOURAGED THE REFINEMENT OF THE CIRCULATION SYSTEM FOR BOTH THE INDUSTRIAL AND RESIDENTIAL PROJECTS IN THE PD PERMIT STAGE. HE COMMENTED THAT THE NEW PROJECT WOULD PROVIDE A GOOD GATEWAY ENHANCEMENT FOR PEOPLE COMING INTO SAN JOSE FROM THE SOUTH.

THE COMMISSION VOTED TO RECOMMEND APPROVAL 4-2-1, WITH COMMISSIONERS LEVY AND ZITO OPPOSED, DUE TO THE SMALL SIZE OF THE PARK, AND COMMISSIONER PHAM ABSENT.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or

COMMISSION REQUESTED THAT FURTHER STUDY SESSIONS BE AGENDIZED. DEPUTY DIRECTOR HIGHLIGHTED ARCHITECTURE SESSIONS BEING PLANNED OVER NEXT YEAR.

2. Requesting staff to report back on a matter at a subsequent meeting; or

ANNUAL RETREAT – LOOK FOR A DATE LATE SEPTEMBER OR OCTOBER.

3. Directing staff to place the item on a future agenda.

ELECTION OF CHAIR, VICE-CHAIR TO BE ADDED TO JULY 27, 2005 AGENDA FOR NEXT YEAR-LONG APPOINTMENT

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

NONE

7. GOOD AND WELFARE

- a. Report from City Council

DEPUTY DIRECTOR REPORTED ON ACTIONS BY THE CITY COUNCIL AT THE JUNE 21ST CITY COUNCIL MEETING

- b. Commissioners' reports from Committees:

- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Dhillon and James).

COMMISSIONER JAMES REPORTED ANAC MEETING HAPPENED ON JUNE 20, 2005. IT WAS A POSITIVE MEETING AND THAT THE NOISE UNIT HAD MOVED TO AIRPORT.

- Coyote Valley Specific Plan (Platten)

COMMISSIONER PLATTEN REPORTED THAT THE RECENT COYOTE TASK FORCE MEETING HAD DISCUSSED POSSIBILITY MEDICAL CLINICS IN PLAN AREA AND OPTIONS TO PHASE IN TRIGGER REQUIREMENTS.

- c. Review of synopsis

NO COMMENTS

8. ADJOURNMENT

2005 PLANNING COMMISSION MEETING SCHEDULE

January 12	5:00 p.m. - 6:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Meeting Logistics</i>	
January 12	6:00 p.m.	Regular Meeting	Council Chambers
January 26	6:00 p.m.	Regular Meeting	Council Chambers
Monday, February 7	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Jobs/Housing Imbalance</i>	
Monday, February 7	6:00 p.m.	Regular Meeting	Council Chambers
February 23	6:00 p.m.	Regular Meeting	Council Chambers
March 9	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of General Plan Amendments/development projects</i>	
March 9	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
March 23	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Monday, April 11	CANCELLED	<i>Study Session</i>	Room 400
		<i>Discussion of Alcohol sales</i>	
Monday, April 11	6:00 p.m.	Regular Meeting	Council Chambers
April 27	6:00 p.m.	Regular Meeting	Council Chambers
Monday, May 2	4:00 p.m.	<i>Study Session</i>	Room 216B
		<i>Review CIP</i>	
Monday, May 2	6:00 p.m.	Regular Meeting	Council Chambers
May 11	4:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Parks planning strategy (Joint session with Parks Commission)</i>	
May 11	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
May 25	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Thursday, June 2	5:00 p.m.	<i>Study Session</i>	Room 106E
		<i>Discussion of Jobs/Housing/Transportation Policy Update</i>	
Thursday, June 2	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Monday, June 6	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Tuesday, June 7	6:30 p.m.	General Plan/Regular Meeting	Health Bldg. Rm. 202A/B
June 8	CANCELLED	Regular Meeting	Council Chambers
Wednesday, June 15	6:00 p.m.	Regular Meeting	Council Chambers
June 22	6:00 p.m.	Regular Meeting	Council Chambers
July 13	CANCELLED	Regular Meeting	Council Chambers
July 27	6:00 p.m.	Regular Meeting	Council Chambers (801 N. 1 ST St.)
August 10	6:00 p.m.	Regular Meeting	Council Chambers (801 N. 1 ST St.)
Meetings August 24th and subsequent located in Council Chambers on 200 East Santa Clara St.			
August 24	6:00 p.m.	Regular Meeting	Council Chambers
September 14	6:00 p.m.	Regular Meeting	Council Chambers
September 28	6:00 p.m.	Regular Meeting	Council Chambers
October 12	6:00 p.m.	Regular Meeting	Council Chambers
October 26	6:00 p.m.	Regular Meeting	Council Chambers
November 9	6:00 p.m.	Regular Meeting	Council Chambers
November 16	6:00 p.m.	Regular Meeting	Council Chambers
December 7	6:00 p.m.	Regular Meeting	Council Chambers